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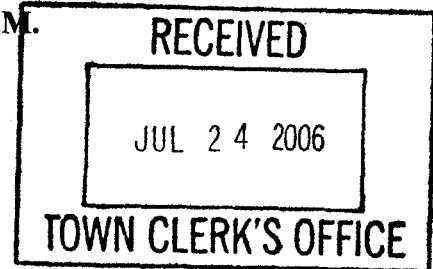
## TOWN OF NEW WINDSOR

### ZONING BOARD OF APPEALS

#### Regular Session

Date: JULY 24, 2006 – 7:30 P.M.

#### AGENDA



7:30 p.m. – Roll Call

Motion to accept minutes of July 10<sup>th</sup>, 2006 meeting(s) as written.

#### PRELIMINARY MEETINGS:

1. **BOHLER ENGINEERING (for Cumberland Farms) (06-46)** Request for 96 sq. ft. sign area and; 3 ft. Height for proposed free-standing sign at 401 Blooming Grove Tpk. (Cumberland Farms) in an NC Zone (37-1-53)
2. **MICHAEL FARICELLIA (06-47)** Request for:
  - 8 ft. Rear Yard Setback for existing 8' X 4' Shed and;
  - 7 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 20' Shedat 650 Blooming Grove Turnpike in an R-4 Zone (45-1-11)

#### PUBLIC HEARINGS:

3. **THOMAS SANTORO (06-39)** Request for 28 ft. Rear Yard Setback for proposed 12 ft. X 18 ft wood deck at 13 Forge Hill Road in an R-3 Zone (50-1-19)
4. **BOBBY CHRISTOFORIDIS (06-34)** Request for 12 ft. Front Yard Setback for Proposed 8 ft. X 25 ft. Front Covered Porch at 52 Hudson Drive in an R-4 Zone (40-2-5)
5. **THOMAS KARAS (06-40)** Request for 15 ft. Front Yard Setback and; 10 ft. Side Yard Setback for proposed front porch and attached rear garage at 39 Continental Drive in an R-4 Zone (45-2-12)
6. **DR. LOUIS CAPP A (06-37)** Request to convert building previously used as a Church to a medical office at 59 Blooming Grove Tpk. in an R-4 Zone (48-1-11)

(NEXT MEETING - AUGUST 28, 2006)

## TOWN OF NEW WINDSOR

## ZONING BOARD

JULY 24, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KATHLEEN LOCEY  
PAT TORPEY  
ERIC LUNDSTROM

ALSO PRESENT: ANDREW KRIEGER, ESQ.,  
PLANNING BOARD ATTORNEY

MICHAEL BABCOCK,  
BUILDING INSPECTOR

MYRA MASON, SECRETARY

MR. KANE: I'd like to call the July 24th, 2006  
Zoning Board of Appeals meeting to order. Roll  
call please.

## ROLL CALL

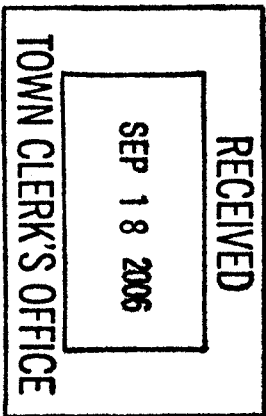
MS. LOCEY: Here.  
MR. TORPEY: Here.  
MR. LUNDSTROM: Here.  
MR. KANE: Here.

MR. KANE: Motion to accept minutes of July  
10th, 2006 as written.

MS. LOCEY: I will offer that motion.

## ROLL CALL

MS. LOCEY: Yes.  
MR. TORPEY: Yes.  
MR. LUNDSTROM: Yes.  
MR. KANE: Yes.



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PRELIMINARY MEETING

BOHLER ENGINEERING

MR. KANE: Tonight's first preliminary matter is Bohler Engineering for Cumberland Farms request for 96 square foot sign area and 3 foot height for proposed free-standing sign at 401 Blooming Grove Turnpike in an NC Zone. How are you doing?

MR. SPIAK: Rob Spiak, S-P-I-A-K, Bohler Engineering. Basically you folks remember we were back here before the Board in October of '05 to get some area variances for site plan approval to the property. At that time our free-standing sign we're actually proposing to leave in the existing location. After work with the Planning Board to come up with a suitable site plan layout for the site it became evident that we needed to relocate the free-standing sign which is going to be relocated in this area right here. In doing that it triggered the variance as noted on here. And as per the details that we've submitted with the plans here you could see that we're proposing an attractive sign. Square footage wise the panels that are being proposed for here are basically the same size as what exists out there today. We are adding a little roof to the top and there will be a planter down at the bottom there for annual plantings and flowers and stuff like that. From a variance perspective we think we're making an improvement to the existing sign that's out there. It is being relocated further away from the intersection, the site triangle at the end there and be able to give a more attractive offering on that free-standing sign at the end of the day.

MR. KANE: Moving closer to the corner?

MR. SPIAK: Yes. Getting away from, apparently right now it's located, these two curb cuts remain the same. It's located like right next to this curb right here. It's almost, I would venture to say, it's probably close to being within the right-of-way at this time. So we're pushing it back over into this corner over here.

MR. KANE: How high is the sign?

MR. SPIAK: The sign, the sign including the roof, which is the way it appears to be calculated, the top of the roof is 18 feet. If you come down the top, physical top of the sign

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it's 16 feet, about what it is today.

MR. KANE: The bottom sign where it says Cumberland is there anything going to be underneath or open?

MR. SPIAK: Open space.

MR. KANE: Is that sign in any way going to block the view of the people coming out of the Caesar's Lane?

MR. SPIAK: It's our opinion no, it will not. And that was also a concern that was raised with the Planning Board for that location, too.

MR. KANE: Self-illuminated?

MR. SPIAK: Internally illuminated.

MR. KANE: Flashing lights, flashing Neon?

MR. SPIAK: No, sir.

MR. TORPEY: What's the size of that opening from the ground to the top?

MR. SPIAK: From the ground to the top total height 18 feet to the bottom of this sign as you're coming down 10 feet about 8 feet above grade. And the planter at the bottom is about two and a half feet which will have, you know, some annual flower type plantings along the bottom so there will be a good sight line through that.

MR. KANE: How far off of the road itself is it going to be?

MR. SPIAK: Physically from Blooming Grove Turnpike we're probably 13 feet from the curb that's out there from Caesar's Lane, we're better than 18 feet.

MR. KANE: Okay.

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MR. LUNDSTROM: What is the setback for the current sign?

MR. SPIAK: The current sign, although it's not shown in the location on this, the proposed site plan shows it right on the property line. So it's probably, it's in the right-of-way.

MR. LUNDSTROM: I just want to get it on the record.

MR. KANE: They are moving it a lot towards that corner.

MR. LUNDSTROM: Yes.

MR. KANE: And if you don't have the additional 3 feet as far as the height the signs inside are going to drop downer.

MR. SPIAK: They would drop down lower.

MR. KANE: Do you feel that's going to inhibit the view of traffic coming out of Caesar's?

MR. SPIAK: Drop it down 3 feet lower, I would say no because I would say if that whole panel was filled in any way it's our opinion that it would not block the vision of traffic here anyway.

MR. TORPEY: Nobody is going to be tying them beer signs on there?

MR. SPIAK: They're not supposed to. I asked about the milk sign they had on the pole today, it's not supposed to be up there.

MR. LOCEY: That would block everything, too.

MR. KANE: I have no further questions at this time. I'll set the motion?

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Bohler Engineering for Cumberland Farms as presented at the July 24th Zoning Board of Appeals meeting.

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MR. TORPEY: I'll second that.

MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Aye.

MR. TORPEY: Aye.

MR. LUNDSTROM: Aye.

MR. KANE: Aye.

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PRELIMINARY MEETING

MICHAEL FARICELLIA

MR. KANE: The next preliminary meeting Michael Faricellia, request for an 8-foot rear yard setback for existing 8 by 4 shed and a 7-foot side yard setback and 8-foot rear yard setback for existing 8 by 20 shed at 650 Blooming Grove Turnpike in an R-4 Zone.

MR. FARICELLIA: How are you?

MR. KANE: Tell us what you want to do, step up, sir? Just state your name and address slowly so the young lady over there can hear you.

MR. FARICELLIA: Michael Faricellia, 650 Blooming Grove Turnpike, New Windsor, New York.

MR. KANE: You have existing sheds?

MR. FARICELLIA: Yes, I do.

MR. KANE: How long have they been up, sir?

MR. FARICELLIA: One of them has been up 20 some years and one of them has been up for maybe eight, nine years.

MR. KANE: Create any water hazards or runoffs in the building of the shed?

MR. FARICELLIA: No, sir.

MR. KANE: Cut down any trees or substantial vegetation?

MR. FARICELLIA: No, sir.

MR. KANE: Has there been any complaints formally or informally about the sheds over the last 20 years?

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MR. FARICELLIA: No, sir.

MR. KANE: What do you use them for?

MR. FARICELLIA: Storage. Lawnmowers and tools and things like that so I can put my cars in the garage.

MR. KANE: Any power going out to them?

MR. FARICELLIA: No, sir.

MR. KANE: And obviously it would be a hardship to move them?

MR. FARICELLIA: Yeah. My father built them.

MR. KANE: Any easements running in the area where the sheds are, sir?

MR. FARICELLIA: No, sir.

MR. KANE: Any further questions from the Board?

MS. LOCEY: No.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I'll offer a motion that the application by Michael Faricellia's request for an 8-foot rear yard setback for existing 8 by 4 shed and 7-foot yard setback and 8-foot rear yard setback on existing 8 by 20 shed at 650 Blooming Grove Turnpike in an R-4 Zone be allowed to proceed to public hearing.

MR. TORPEY: I'll second that.



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MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Aye.

MR. TORPEY: Aye.

MR. LUNDSTROM: Aye.

MR. KANE: Aye.

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PUBLIC HEARING - THOMAS SANTORO

MR. KANE: Tonight's first public hearing, Thomas Santoro request for 28-foot rear yard setback for a proposed 12-foot by 18-foot wood deck at 13 Forge Hill Road in an R-3 Zone. While we're waiting for Mr. Santoro, may I ask if there's anyone in the audience for this particular hearing? There is not. Sir, tell us what you want to do?

MR. SANTORO: I'm going to change the steps on the back of my house into a deck. That would make it more accessible for the yard and safety reasons and cleaner aesthetics.

MR. KANE: Cutting down any trees, substantial vegetation in the area where the deck is going to go?

MR. SANTORO: No.

MR. KANE: Any easements running through the area where the deck is going to go?

MR. SANTORO: No.

MR. KANE: Will you be creating any water hazards or runoffs?

MR. SANTORO: No.

MR. KANE: The size of the deck is 12 by 18, is that similar to other decks that are in your neighborhood?

MR. SANTORO: Yes.

MR. KANE: Showing for the record in the picture that we have one set of stairs coming down from a set of double doors off of the back of the property and it's your feeling that having the deck there instead of that single set of stairs is going to make it safer?

MR. SANTORO: Yes.

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MR. KANE: At this point I will open and close the public portion of the meeting seeing as no one is here for it and ask Myra how many mailings we had?

MS. MASON: July 11th I mailed out 36 envelopes and had no response.

MR. KANE: Any further questions from the Board? I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Thomas Santoro.

MR. TORPEY: I second that.

ROLL CALL

MS. LOCEY: Aye.

MR. TORPEY: Aye.

MR. LUNDSTROM: Aye.

MR. KANE: Aye.

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PUBLIC HEARING - BOBBY CHRISTOFORIDIS

MR. KANE: Next public hearing is Bobby Christoforidis request for a 12-foot front yard setback for proposed 8-foot by 25 front covered porch on 22 Hudson Drive. Tell us what you want to do, Bobby?

MR. CHRISTOFORIDIS: Just that. I'm going to add the covered porch. You should have a copy of the engineer's drawings. That's it.

MR. KANE: The porch itself is going to take the place of the two cement steps coming out the front?

MR. CHRISTOFORIDIS: Yes, right above that.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. CHRISTOFORIDIS: No.

MR. KANE: Creating any water hazards or runoffs?

MR. CHRISTOFORIDIS: No.

MR. KANE: Will the deck itself extend out closer to the street than other homes on that side of your block?

MR. CHRISTOFORIDIS: No. I submitted a photograph the last time showing my neighbor, the same thing.

MR. KANE: Okay. I'll ask if there's anybody in the audience for this particular hearing? Nobody is here we'll open and close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On June 26th we mailed out 41 envelopes and had no response.

MR. KANE: Does the Board have any further questions? Any easements running through that?

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MR. CHRISTOFORIDIS: No.

MR. KANE: I have no further questions.

MR. LUNDSTROM: Mr. Christoforidis, I'll offer a motion that we grant the variance of Bobby Christoforidis' request for 12-foot front yard setback for a proposed 8 by 25-foot front covered porch at 52 Hudson Drive in an R-4 Zone.

MS. LOCEY: I'll second that motion.

MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Aye.

MR. TORPEY: Aye.

MR. LUNDSTROM: Aye.

MR. KANE: Aye.

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PUBLIC HEARING - THOMAS KARAS

MR. KANE: The next public hearing Thomas Karas request for a 15-foot front yard setback 10-foot side yard setback for proposed front porch and attached rear garage at 39 Continental Drive in an R-4 Zone. Just like your preliminary meeting tell us what you want to do. Just speak loudly enough for that young lady.

MS. IRWIN: Beverly Irwin and we'd like to add a garage onto the back of the house and a porch on the front to enhance the front of the house. And we have expanded our family to add another garage.

MR. KANE: Let's take them one at a time. As far as the front porch, cutting down any trees, substantial vegetation and in the building of porch.

MS. IRWIN: No, just some shrubbery we have in the front of the house.

MR. KANE: Creating any water hazard or runoff?

MS. IRWIN: No.

MR. KANE: It's going to be a covered front porch?

MR. IRWIN: Yes.

MS. IRWIN: Yes.

MR. KANE: That's going to take the place of the cement stairs in the front of house?

MS. IRWIN: Yes.

MR. KANE: Is the deck in the front going to make the home extend closer to the road than other homes on your block?

MS. IRWIN: No.

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MR. IRWIN: No.

MR. KANE: Any questions from the Board?

MR. LUNDSTROM: Are there other homes in your area that have a porch similar to that?

MR. IRWIN: Yes.

MR. KANE: Any easements through the area where the front porch is going to go?

MR. IRWIN: No. Jeffrey Irwin.

MS. IRWIN: Do you need why the change?

MR. KANE: No. As far as the proposed garage that's going to go in the rear of the house it's going to be placed where you have a concrete patio at this time?

MS. IRWIN: Yes.

MR. KANE: Again, creating any water hazard or runoffs with the building of the garage?

MS. IRWIN: No.

MR. KANE: Will you be cutting down any trees of substantial vegetation growing through the concrete?

MS. IRWIN: No.

MR. KANE: I have to ask that question anyway, any easements running through that area?

MR. IRWIN: No.

MS. IRWIN: No.

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MR. LUNDSTROM: Just for the record the size of the garage is going to be the same size footprint as the concrete patio?

MR. IRWIN: I think it extends just a foot or just passed to even out with the back, the side of the house.

MR. LUNDSTROM: The drawings we have show a 16 by 22-foot concrete patio and proposed garage is saying 16-foot by 22-foot. You're saying that's not correct or?

MR. IRWIN: I can't remember where it ends. The garage is right to the side of the house.

MS. IRWIN: But the variance didn't allow the garage to be flush with the house, that's why we're asking for the variance.

MR. KANE: It's a two car garage?

MS. IRWIN: No, one.

MR. KANE: One car?

MR. LUNDSTROM: Currently there is no garage on the property?

MS. IRWIN: It's under the house. We have a two car garage under the house and this will be the third with the deck on top.

MR. KANE: And the garage is going to be located behind the house and the driveway will pull around the side and pull straight up underneath or straight into the new garage?

MS. IRWIN: Yes.

MR. KANE: Okay, I'll ask if there's anybody in the audience for this particular hearing? There's nobody here. We'll open and close the public portion of the meeting. I'll ask Myra how many mailings we had?



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MS. MASON: On July 11th I mailed out 60 envelopes and had no response.

MR. KANE: Any further questions from the Board? I'll accept a motion.

MS. LOCEY: Do you want two separate motions?

MR. KANE: No, you can cover it under one requested variance.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Thomas Karas as presented at the Zoning Board of Appeals meeting on July 24th.

MR. TORPEY: I'll second that.

MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Aye.  
MR. TORPEY: Aye.  
MR. LUNDSTROM: Aye.  
MR. KANE: Aye.

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PUBLIC HEARING - DR. LOUIS CAPPA

MR. KANE: Before we get started with the next public hearing, which will be Dr. Louis Cappa request to convert building previously used as a church to a medical office at 59 Blooming Grove Turnpike in an R-4 Zone, when we had gotten the mailing list we had gotten some wrong numbers from Goshen as far as the tax map. So there are some people that did not receive the mailings. So in order to cover that base, make sure everything is happening, we are going to continue the meeting tonight and then we're also going to leave it open for the meeting at the end of August so that we can get in touch and the proper mailings going out to all of the other people living in that 500-foot radius, get the proper things out so everybody is notified of what's going on. So we will start it tonight, but it's not going to finish tonight.

It will finish on the meeting of the 28th of August definitely. We're going to go through a regular meeting, going to continue the public portion. I'm not going to close it, I'm going to allow anybody that isn't here to have their say when they do come. You will be able to have your say tonight in case for whatever reason you can't make it back to the next meeting or whatever. So just to let you all know what's going on up front. Okay? Okay, Dr. Louis Cappa, you're up.

MR. BLOOM: Good evening, ladies and gentlemen. My name is Dan Bloom and I represent Dr. Cappa on the current application. As I indicated in the preliminary meeting before the Board I'd like to give a little bit of background, a little bit of an unusual application in the sense that although the applicant is my client, Dr. Cappa, because it's a use variance the necessary proofs that should be delivered to the Board this evening really are going to come primarily from the existing owners of the property which is the Church of the Nazarean. And in that regard I have with me this evening, Reverend Brian Ketto (phonetic) who is one of the church officers, high ranking church officers out of the district in Long Island, as well as counsel for the church,

Mr. Daryl Sisk (phonetic). I say that so that if the Board members, any of the members wish to direct any questions to them by way of perhaps verifying or filling in some of the details that I would like to present to the Board feel free to do so, please. And if I may also, Mr. Chairman, I would like to present to the Board copies of a report that was prepared at my request by the church which addresses the various economic concerns that I'll be dealing with this evening. Also attached is copies of existing violations on the property and an estimate from an engineering company as to what the cost would be of making those repairs so as to bring the property up to code. And if I may approach, Mr. Chairman, I'd like to give you copies of those so that we can

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spread them amongst the Board members.

MR. KANE: I'm going to interrupt you for one second, Mr. Bloom. We are going to send around a list just so we have everybody's name and address for this young lady over here so she can get it all on the record. So if you could just sign your name and address, if you want to say something, you don't have to. If you don't want to we're not going to hunt you down. Okay?

MR. BLOOM: For the record, the property, as everyone knows, is presently occupied by the Church of the Nazarean. It consists of two large buildings, one the front portion of the, the front portion, the designated sanctuary. The second building in the rear is designated the parsonage. It's been there since 1970. It was purchased by the church in 1972. It's been utilized by the church for services from 1972, approximately, until approximately 2000, the year 2000. When because of a tremendous falling off of the membership of the church the offerings were insufficient not only to support the church staff but even to keep the building in good repair. As a result the church has basically been placed on a list, they call it church in crisis, about four years ago meaning it doesn't have a pastor, it doesn't have a membership and it has no income. As could be expected there flowed from that disrepair. There are currently 10 violations, code violations against the property, substantial ones. They are attached to the handout that I passed out a little while ago to the Board. And in a nutshell I could summarize the cost of the repairs by directing your attention to a report that was prepared by the engineers for the church and also attached to the handout I passed out which indicates that the estimate for these necessary repairs to take care of these code violations is approximately \$184,000. Realizing that they were in this financial situation, severe economic situation, the church attempted, over the past year, since September of 2005, to seek a new owner of the property. They received three offers on the property. The first unfortunately was revoked only before it could be considered. The second offer came from another church but it wanted my client to hold a mortgage on the property for approximately 10 years. And, again, that doesn't solve my client's economic problem, they can't hold a mortgage on this property, they need the cash. And the third and only other offer was Dr. Cappa's offer, which is being entertained at the present time. That offer, that contract which has been signed for a substantial period of time is subject to Dr. Cappa receiving the necessary approvals from this Board, and if this Board grants the approvals from the Planning Board to put an office in the premises. Presently it's a church. Presently the zoning is R4, residential, of course. And my client would

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like to put, would like to remove the present doctor's office from where it is now to the new location and he'd like to create office space in there so that it could be occupied if he can't move his office for a legitimate purpose other than residential purposes. Now, in order to further consider the quality or the nature of the application I think we have to also address the issue well, can we sell it to another purchaser for residential purposes since it's an R-4 Zone. The problem with that is it's so overdeveloped at the present time that the cost of adapting it to residential use, number one, is really not viable, economically or physically. Number two, if we're not going to do that the only other legal option would be to sell it to a church. And, again, there have been no takers except the one taker that requires my client to hold a mortgage and they can't afford to do that So we're here this evening in the hope of receiving approval from this Board for the use of the premises as a doctor's office. The obvious immediate request that comes to the floor is well, in what sense will this possibly change in use, adversely impact the community. And in that sense with respect to that issue I respectfully submit to the Board that it will not because of the manner of, the nature of my client's practice and the manner in which he conducts his practice and the manner in which he takes care of his premises. As you probably all know he presently has his office next to my office down on 94. And if you look at it from the day he built it to the present time it's meticulous. He does everything first class and tastefully. He's already indicated to me that he intends, if he receives approvals here, to spend not only the substantial amount of money to restore this property and eliminate the violations, but to do it in a way that will be, the physical and architectural motive of the surrounding community, it's already shrouded substantially, and I'll pass up photographs, by natural foliage from the street, from surrounding properties, but he intends to add substantially to that shrouding, to that landscaping so that it will be almost invisible to the surrounding community. Obviously another concern would be the traffic. And I asked my client, a realistic projection on traffic, he says he averages about four to five cars per hour in his practice. He's open Monday through Fridays, no weekends, no nights. The church, when it was open, utilized the premises on Sundays and on Wednesday evenings. At the present time it is occupied minimally for a short period of time on Sundays for the Korean church they use it at the present time. So he projects that the use would be almost nonobservable by the surrounding community in the sense that Blooming Grove Turnpike at the present time has a fair amount of traffic on it. And we project that a fair amount of the cars that would be coming to my client's office would use it any way for other

purposes. And he fully intends to do everything professionally, discreetly and follow the Planning Board recommendations and he even goes beyond it. He's well beyond his Planning Board recommendations because of his present location, as I'm sure you can all see. You've all witnessed. I'd like to, with the permission of the chairman, Mr. Chairman, pass up photographs my client has taken of the surrounding community immediately of the premises and the properties in the area of premises and as you can see from that the property itself is a lot of natural landscaping, shrouded from the community. But as I say my client intends to substantially increase the landscaping so as to make it almost invisible to the surrounding community. And if the request is granted I respectfully submit that my client's use of the property you will not substantially or even materially interfere with the surrounding neighborhood, depreciate the surrounding neighborhood. In fact, I respectfully submit what he intends to do will increase the values of the surrounding neighbors.

Now, with that I conclude my presentation. But, as I say, if you have any questions you'd like to direct directly to Dr. Cappa, who's here, or to Reverend Ketto or to his attorney feel free to do so.

MR. KANE: First question, signage, any considerations on how you would handle signage for the business?

MR. BLOOM: I didn't discuss that with them, Mr. Chairman, because frankly I was going to leave that to the planning board. But I can say, but I can address it right now.

MR. KANE: I think a lot of people are going to be concerned with that going down that block.

DR. CAPPA: I really don't plan on putting anything --

MR. BLOOM: Dr. Cappa, please come up here.

DR. CAPPA: I really don't plan on putting anything up that's any larger than there is now. The signage there is very comparable to what I have currently in my current location.

MR. KANE: Okay. Illuminated?

DR. CAPPA: Actually it is illuminated. It's not a fluorescent sign, it's a regular sign with

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two light bulbs on it.

MR. KRIEGER: Area illumination?

DR. CAPP: Right.

MR. KANE: Thank you. Does the Board have any other questions right here? Because mine is probably going to be more geared to what the audience has to say. I think we'll change it up a little bit. What I want to do is if we have any questions right now that we need to ask.

MR. LUNDSTROM: I just have one. How far away is the new facility from where Dr. Cappa has his current office at?

MR. BLOOM: I would estimate that to be about a mile and a half would you say?

MR. KANE: Maybe.

MR. BLOOM: A mile, mile and a half.

MR. KANE: Because then what we will do I'll open it up to the public and I want to leave the public portion of it open for the next meeting for whoever didn't make it to speak and then we'll close the public and then we'll come back to any other questions that we have on, if that seems like a viable plan? Okay, I'm going to ask you to come up, ask whatever questions you have, one at a time. Just state your name and address, okay, and please speak nice and clearly so this young lady over here can hear.

MR. EICH: Edward Eich, 56 Blooming Grove Turnpike. I live directly across the street, Dr. Cappa. I grew up in Mountainville, New York. You're very familiar with it. I talked to you on the phone years ago. And I don't know, I just have a problem with having a possibility of two story building across the street from my house. I bought in a nice residential area. It's quiet. Which in THE seven years I've been there it's not quiet any longer. The road everybody does mock down that road. You're just going to keep that building there and there will be no further buildings?

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DR. CAPP: At this point just planning on renovating the front part building where the church is now and that's where I'm going to be conducting business. The back building I was just going to renovate for any professional office. Now, again, they're telling me there's a problem with mixed use, so I wouldn't really be renting it out to a family or what have you back there because that would be mixed use. I don't know if that's permissible. So I would have to renovate the back building for possibly renting that out. But I don't have any plans of putting any additions or any other buildings.

MR. EICH: No other fellow doctors that want to have their own practices there down the road and now there's another building popping up and another building popping up.

DR. CAPP: I don't have any plans, that's not why I'm here.

MR. EICH: I understand that. Everybody says one thing, you know, I've come to learn that over the course of life.

DR. CAPP: At this time I don't have any plans or have any will to do anything like that.

MR. EICH: That church doesn't have a pastor either? I kind of talked a guy out of not cutting down a Sycamore tree a couple of years back. The pastor that was there, I don't remember his name, but --

MR. BLOOM: Well, perhaps with the chairman's permission Reverend Ketto --

MR. EICH: You're saying there wasn't a pastor there for four years.

MR. BLOOM: Would you like to --

MR. EICH: It doesn't matter. You said there wasn't a pastor there for four years. I have no other further questions. At the last meeting I was one of the ones across the street that didn't get the letters.

MR. KANE: Okay. Next?

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MS. WRIGHT: Mary Ellen Wright, 41 Blooming Grove Turnpike. Dr. Cappa, I hear the greatest things about you from some of your patients, so it's not personal at all. I live 106 feet from the church. I read the minutes of the last meeting with great interest because there was several things said in the minutes that don't agree with my recollection of having lived there since 1998. There was, what happened when I moved in 1998 I moved in, I purchased that property, in fact just got a permit for an addition June 15th a week before I got my letter knowing that there was a church there, knowing that a church is there on Sundays and knowing that they sang choir practice on Wednesday nights. The Korean church came Sunday afternoon and for the rest of the week the property was empty. I go out in my backyard 106 feet away and there is the church building. I have very, very many concerns about some of the representations that were made. When I moved in there was peeling paint, it was very shabby looking, but as good neighbors we tried to be friendly with the church people. They allowed us to use their parking lot from time to time if people had a family gathering and we didn't really worry about their peeling paint. There was a very large crowd of people that came up until about 2003 and the pastor there seemed to be very, very well liked. He left and someone else came on board. People started not going to the church anymore. But then all of a sudden, I'd say about two years ago, a wonderful transformation and the place was painted, a new roof was put on, the parking lot was paved, and outdoor lighting was put up which unfortunately looking back now I realize was anticipation to sell it as a commercial property. I'm concerned that we have a code in the town. One of the purposes of the code is to provide for the elimination of nonconforming uses. And here we also want to protect and enhance the community's appearance to protect residential areas and provide privacy for families, that's a quote from the code. The nonconforming use shall not be changed without a special permit and then only to a use that is the same or of a more restrictive nature. Now, I've seen groups of people come and look at that church. In fact, I witnessed a group of people which may have been the ones asking that the mortgage be held, kneel down in the backyard and pray that their offer would be accepted, so that that building would remain a church and that they would acquire it. I'm also questioning the residential use. It's, I believe, a two-point something acre property. It could accommodate a flag lot and still be within the restrictions of the acreage in the town so that there could be two residences. It has not been overdeveloped. Simply the front portion it has been paved, I believe it's about 180 feet setback from the there's, I believe, another three to 400 feet wooded area behind the church. So I question that statement. I'm very concerned about traffic. We have a fine officer in the Town of New Windsor, Peter



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Cunningham. I wave at him at 7:30 every morning and he stops people speeding down the street. I'm sure many of those people have been right here in this courtroom. We're very concerned about additional traffic coming through. A church has a limited use whether it be a Sunday or Saturday service and an evening service, not a five day a week operation. And what also concerns me is right now we have very few residential areas that are not surrounded. I pulled the map, the big zoning map that's too big to print off the internet that actually shows in our little area we already have some areas of neighborhood commercial. And, in fact, there's some properties for sale right across in the area of Midway Market. If you wanted to move in that same mile and a half area there are some large one and a half, one-third acre parcels for sale in an area that's already zoned for commercial neighborhood property. So those are some of my concerns. And I hope that the Board will be able to take all of this under consideration in making their decisions and I thank you.

MR. KANE: Thank you. Next?

MR. DURHAM: Gary Durham. I live at 45 Blooming Grove Turnpike. And I'm the property that's adjacent or right alongside of the church property. I bought this property in 1989. It was a wooded lot. And I bought that property because of the residential area there. I love the way it was. I knew there was a church there. I was willing to accept that. The church has been a very good neighbor, as long as that church has been there. The church operated up to, through 2004. Earlier it was said basically they didn't have services there since 2000. That's not true. I don't know exactly the date but I know it was through 2004. And as Mary Ellen said the minister took over and he wanted to do a lot of improvements. I don't know what the improvements were for, but I was obviously very happy about those improvements. Now it makes me wonder, like I say, why after all these years if the church was in a such dire, financial straits, why did they decide to make it a bigger parking lot even though a bigger parking lot would be good for the church, but it would also lend itself to commercial use. I don't know if we could have stopped the lighting. I know they put in a lot more lighting in the parking lot. But, again, I wanted to be a good neighbor and I think we called the existing pastor at the time, they did readjust the lights so it wasn't shining right in my bedroom window and we lived with that. Now I feel, like I say, we moved into this neighborhood with the belief that it was going to be the same, or better. I don't believe changing in the middle of that block and open up the door for commercial use is going to improve that neighborhood one bit. There's already too much traffic on the road and we can't do

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anything about that. Orange County has got a traffic problem. And it's not going to get anything but worse from what can see. But that being said they were good neighbors but I just don't feel that, I just feel that they could sell this property if they, if they marketed it properly and price it properly, you know. This market is not as hot as it was but I believe it can be sold, you know, to stay a church or stay residential, stay within the R4 code. And I don't think it would, I don't think anybody in the neighborhood would have any objection to that and I know I wouldn't. So I'd just like to say that there's no hard feelings but I don't think that now they're pleading that they have a financial problem that they should be able to turn this into a commercial property and where does it leave us next door. I'm sure I got more to say, but I'll save it for the next meeting.

MR. KANE: Okay, thank you. Next?

MS. McCLELLAN: My name is Anne McClellan. I live at 50 Blooming Grove Turnpike. We were present at the variance hearing when the church was proposed in 1972. It was not converted to a church, it was built as a church with a variance that was granted to change it from residential to a church with the idea that it was not commercial. We had reservations at that time and our reservations are coming through now. We felt that when the variance was granted it opened the door. We've been fine up until now. But I have a few other questions. Any substantial code violations on the property, was there ever any effort made to correct these code violations? Nothing that any of the neighbors knew about. The doctor claims that he intends presently to just occupy this for his offices but in the minutes of the June 26th meeting Mr. Bloom stated that the doctor's offices or other professional offices as well assuming he can't use it all himself he'd like to be able to rent out portions to other professionals, which opens the door. And we do not feel that this is the place for it in one of the few remaining residential areas in the Town of New Windsor. That's all. Thank you.

MR. KANE: Thank you. Ma'am?

MS. GARITY: My name is Barbara Garity. I live at 3 Nee Avenue off of Blooming Grove Turnpike. I am one lot away from the proposed office building. The doctor indicated that he's going to put up an illuminated sign and increase substantial foliage. We have a lot of kids on our block. Anybody who misses his turn coming from the other direction will be winding up

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turning on our dead end street. And there are a lot of kids playing in that street. Kids and dogs. There is an increase in traffic and you have only to go to your own police department to check out the fact that nobody obeys the speed limit going through there as it is now. An increase of three or four patients may be no big deal, if they're not speeding. But an increase if you provide other offices in that building you're looking at a substantial increase in traffic, depending on what the profession of the person's office is. We don't need anymore traffic on Blooming Grove Turnpike. Thank you.

MR. KANE: Thank you.

MS. ROGERS: My name is Diane Rogers. I live at 62 Blooming Grove Turnpike which is directly across the street from the church. I've not had any problem with the church at all. Sometimes in the evenings there's been quite a few traffic pull into my driveway, everything. Lights coming out of that driveway go right into my living room, into my bedroom because my bedroom is on the front part of the house. I was born in this house. So I've seen a lot of stuff happening since I was a kid, okay? There were farms around and everything like that, but it was nice to have new houses come up and keeping it residential is nice, I like it that way. The thought of having a commercial piece of property across the street from my house where my family has been for 70 years, where I was born, doesn't make me happy. Nothing against the doctor, I'm sure that he'll have a business wherever he goes, but in our neighborhood and the things that have, the environment that's happened in our neighborhood already is overwhelming. I

mean I don't know how many other of these people have been here that long, but I remember, I was like this high (indicating). So I remember a lot of stuff. I remember when they took part of our front yard for the driveway -- or for the road. I remember when they put the new sewer lines in so we didn't have that alcove anymore. So I remember a lot of stuff. And to have a commercial business across the street where it's always been residential is beyond my concept. I mean, like I said, it's my house now. I've inherited it from my grandparents and there's no place else for me to go. So I really don't want to have something like this across the street. And he says that at this point he's not planning on having other offices there but he did say that the house, the portion of the building in the back was going to be renovated for an office, not his is what I'm thinking, is that right?

DR. CAPP: That's what I said, that's correct.

MS. ROGERS: That's what he's thinking of now. But once he gets these people in there and he opens his office there, what's to stop him from building another office? I know the property goes far back, the people that live next to it that owned it at one point were relatives of mine. So I know that the property is as long and as far back as that piece of property. And it's quite big. It's very quite big and there could be apartment buildings or office complexes put back there. And like the other gentleman said, traffic coming in and out and going, making mistakes and going into Nee or passing and turning in my driveway to go across the street it's not, I don't like it. Can't help it.

MR. KANE: I understand.

MS. ROGERS: Okay, thank you.

MR. TORPEY: Mike, where does the commercial in R4 zone stop there?

MR. BABCOCK: It doesn't. The commercial is all the way down on 94.

MR. TORPEY: That's where it stops? Where does the R4 zone start?

MR. BABCOCK: Right there, 94 and Blooming Grove.

MS. DURHAM: Carol Durham, I live at 45 Blooming Grove Turnpike right along side the church. And we moved there 16 years ago, as my husband was up speaking earlier and even though Blooming Grove Turnpike is a busy road it is such a comfortable little street to live on and the neighbors are all wonderful and even though it's busy it's quiet. You can get out on our back porch and enjoy the views and each others companies and I feel strongly that our peace and quite and quality of life will change drastically with car doors opening and closing all day. It's a big enough piece of property where I'm sure the doctor will most likely have somebody else move in and I just think that it's really going to really ruin our value of our property and ruin our quality of life and I really hope we can do something about this. Thank you.

MR. WALTER: My name is George Walter. I live at 19 Nee Avenue. My property, actually my concern is actually the wooded area which is, I'm not sure how far back that property extends.

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But I have a full acre lot that actually borders that entire section of woods that goes all the way down to Anthony's Pier 9, at least as far as my property is concerned. I moved here six years ago. I come from an area where there's a lot of room around the houses knowing full well that that's not the way it is around here but I did seek out this area, this particular house because of that buffer zone. It seems that patch of woods is a nice buffer zone for everybody in that little area. I happen to be an environmentalist where I know that there's a lot of wildlife that lives in there, you know. And as far as the way my property is set everything kind of faces the back. I have a pool back there which is probably within five, at least the pool shed is within 25 feet of the property line and, you know, not that Dr. Cappa is going to build back there right away, but as he stated at this point his intentions are to work on the current structure but my concern is in the future if they decide to move back into that nice little buffer zone the impact is going to have on the neighbors around, you know, that kind of rely on that little area for their privacy and, you know, there are, you know, entertainment value. Thank you.

MR. KANE: Next? Don't forget we also will continue this at the next meeting and keep the public open for the other participants. So if you feel like you don't have anything to say tonight you can at the next meeting.

MR. QUICKSELL: My name is Jim Quicksell. I live at 46 Blooming Grove Turnpike across the street about three doors down. Just roughly doing the math say seven hours a day seven patients that's 49 a day to, I believe they said 10, so it would be 70, so that's an additional say 70 cars a day. Now, let's say you have one other doctor comes with the same, you double that. Well, if he has more well, then it's even more. Evidently people haven't, people who have tried to get out of their driveways on Blooming Grove Turnpike these days it's really tough. And I think where, if you put trees and barriers on the road that's just going to make it that much more of a hazard, right? I know that the reason you would do it was, you know, for anesthetics and all of that, but I think it's just an accident waiting to happen with the addition of the traffic and the speed. Thank you.

MR. KANE: Anybody else? Anybody else to speak this evening? Okay, at this point there's not much else to do but we need to continue and accept a motion to continue the meeting until the meeting of August 28th.

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MR. LUNDSTROM: I will so move.

MR. KANE: At which point we will pick it up right in the middle of the public hearing. So if anybody is here for that they can come and ask questions or reask and at that point I will ask Mr. Bloom to address some of your questions from the notes that he's taking and then after that at the next meeting we'll have a vote and you'll know what's going on. Sound like a plan?

MR. LUNDSTROM: Mr. Chair, I will make that motion.

MR. KANE: Just as a note, the only people that will be notified for the next meeting are the people that did not receive a mailing. So you won't receive a second mailing. So we just want to make sure you know the 28th, Monday night the 28th. The same time, same place.

At this point I'll take a motion to continue.

MR. LUNDSTROM: So moved.

MR. KANE: Second.

MR. TORPEY: Second.

MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Yes.

MR. TORPEY: Yes.

MR. LUNDSTROM: Yes.

MR. KANE: Yes.

MR. KANE: We will see everybody on the 28th.

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C E R T I F I C A T I O N

THE FOREGOING IS CERTIFIED  
to be a true and correct transcription of the  
original stenographic minutes to the best of my  
ability.

Roberta O'Rourke

Prepared August 13, 2006